

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SAM TOCCO, individually, and
as the Trustee of THE SAM TOCCO
REVOCABLE TRUST dated July 11, 2001,

Plaintiff/Counter-Defendant,

CASE NO. 05-70013

-vs-

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

SAM ANTHONY TOCCO, and
KNOLLWOOD MEMORIAL PARK
CEMETERY ASSOCIATION,

Defendants/Counter-Plaintiffs,

and

HYMAN LIPPITT, P.C., JOHN GONWAY,
and JOSEPH P. ZADA,

Defendants.

**ORDER (1) ACCEPTING AND ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION; AND
(2) DENYING DEFENDANTS' FEBRUARY 24, 2006 MOTION TO DISMISS**

On February 24, 2006, Defendants Gonway and Hyman Lippitt, P.C.'s Motion to Dismiss, and Defendant Joseph P. Zada filed a concurrence on April 18, 2006. On April 19, 2006, the Magistrate Judge issued a Report and Recommendation ("R&R") denying Defendants' Motion to Dismiss.

Having considered the Magistrate Judge's R&R, and any objections filed thereto,

IT IS ORDERED that the R&R is accepted and entered as the findings and conclusions of this Court, and that Defendants' Motion to Dismiss is DENIED.

S/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: May 24, 2006

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on May 24, 2006.

S/Jonie Parker
Case Manager